

**UTAH SOLID AND HAZARDOUS WASTE CONTROL BOARD  
SOLID WASTE PERMIT**

**CLASS I LANDFILL**

Pursuant to the provisions of the *Utah Solid and Hazardous Waste Act*, Title 19, Chapter 6, Utah Code Annotated (UCA) 1953, as amended (the Act) and the *Utah Solid Waste Permitting and Management Rules*, Utah Administrative Code (UAC) R315-301 through 320 adopted thereunder,

**Promontory Landfill, LLC**

is hereby authorized to construct and operate the **Promontory Point Class I Landfill** located in Sections 13, 14, 19, 23, 24, 25, and 30, Township 6 North, Ranges 5 and 6 West, Salt Lake Base and Meridian, Box Elder County, Utah as described and shown in the permit application that was determined complete on October 24, 2003.

The operation of the landfill is subject to the condition that **Promontory Landfill, LLC** (Permittee) meet the requirements set forth herein.

All references to UAC R315-301 through 320 are to regulations that are in effect on the date that this permit becomes effective.

This permit shall become effective March 15, 2004.

This permit shall expire at midnight March 14, 2009.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

**Original Document Signed by Dennis R. Downs on 3/09/04**

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Dennis R. Downs, Executive Secretary  
Utah Solid and Hazardous Waste Control Board

## **PERMIT REQUIREMENTS**

LANDFILL NAME: Promontory Point Class I Landfill

OWNER NAME: Promontory Landfill, LLC

OWNER ADDRESS: 1515 West 2200 South, Suite C  
Salt Lake City, Utah 84119

OWNER PHONE NO. 801-972-2727 or 801-243-3200

TYPE OF PERMIT: Class I Landfill

PERMIT NUMBER: 0202

LOCATION: Landfill site is located on the west side of the southern tip of the Promontory Point Peninsula in Sections 13, 14, 19, 23, 24, 25, and 30, Township 6 North, Ranges 5 and 6 West, Salt Lake Base and Meridian, Box Elder County, Utah as described and shown in the permit application that was determined complete on October 24, 2003. Lat. 41E 12N 55O, Long. 112E 28N 05O

Permit as used in this document is defined in Utah Administrative Code (UAC) R315-301-2(55).

The application, as deemed complete on October 24, 2003 is hereby approved and is incorporated by reference into this Solid Waste Permit. All representations made in the permit application are part of this permit and are enforceable under UAC 315-301-5(2). The permit application will become part of the operating record of the Landfill. Where differences in wording exist between this permit and the application, the wording of the permit supersedes that of the application.

By this permit to own and operate, the Permittee is subject to the following conditions.

### **I. GENERAL COMPLIANCE RESPONSIBILITIES**

#### **A. General Operation**

The Permittee shall operate the landfill in accordance with all applicable requirements of UAC R315-302 and 303, for a Class I landfill, that are currently effective unless otherwise noted in this permit. Any permit noncompliance or other noncompliance constitutes a violation of UAC R315-302 or 303 and is

grounds for appropriate enforcement action, permit revocation, modification, or denial of a permit renewal application.

B. Acceptable Waste

This permit is restricted to the disposal of nonhazardous solid waste which is received under contracts approved by the Executive Secretary. These wastes include municipal solid waste, as defined by UAC R315-301-2(47); industrial waste, as defined by UAC R315-301(35) and special waste as defined by UAC R315-301-2(71), generated within the boundaries of the governmental entity under contract.

C. Prohibited Waste

No hazardous waste as defined by UAC R315-1 and R315-2, except waste specified by UAC R315-303-4(7)(a)(i)(B); or PCB's as defined by UAC R315-301-2(53), except those specified by UAC R315-315-7(2), may be accepted for treatment, storage, or disposal at the landfill. All wastes not received under contracts approved by the Executive Secretary are prohibited. Any prohibited waste received and accepted for treatment, storage, or disposal at the facility will constitute a violation of this permit and UAC R315-303-4(7).

D. Inspections and Inspection Access

The Permittee shall allow the Executive Secretary of the Utah Solid and Hazardous Waste Control Board or an authorized representative of the Board, including representatives from the Bear River Health Department, to enter at reasonable times and:

1. Inspect the landfill or other premises, practices or operations regulated or required under the terms and conditions of this Permit or UAC R315-301 through 320;
2. Have access to and copy any records required to be kept under the terms and conditions of the Permit or UAC R315-301 through 320;
3. Inspect any loads of waste, treatment facilities or processes, pollution management facilities or processes, or control facilities or processes required under the Permit or regulated under UAC R315-301 through 320; and
4. Create a record of any inspection by photographic, videotape, electronic, or any other reasonable means.

E. Noncompliance

1. If monitoring, inspection, or testing indicates that any permit condition or any applicable rule under UAC R315-301 through 320 may be or is being violated, the Permittee shall promptly make corrections to the operation or other activities to bring the facility into compliance with all permit conditions or rules. In the event of any noncompliance with any permit condition or violation of an applicable rule, the Permittee shall promptly take any feasible action reasonably necessary to correct the noncompliance or violation and mitigate any risk to the human health or the environment. Actions may include eliminating the activity causing the noncompliance or violation and containment of any waste or contamination using barriers or access restrictions, placing of warning signs, or permanently closing areas of the facility. The Permittee shall: document the noncompliance or violation in the operating record, on the day the event occurred or the day it was discovered; notify the Executive Secretary of the Solid and Hazardous Waste Control Board within 24 hours, or the next business day following documentation of the event; and give written notice of the noncompliance or violation and measures taken to protect public health and the environment within seven days of Executive Secretary notification. Within thirty days of the documentation of the event, the Permittee shall submit, to the Executive Secretary, a written report describing the nature and extent of the noncompliance or violation and the remedial measures taken or to be taken to protect human health and the environment and to eliminate the noncompliance or violation. Upon receipt and review of the assessment report, the Executive Secretary may order the Permittee to perform appropriate remedial measures including development of a site remediation plan for approval by the Executive Secretary.
2. In an enforcement action, the Permittee may not claim as a defense that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with UAC R315-301 through 320 and this permit.
3. Compliance with the terms of this permit does not constitute a defense to actions brought under any other local, State, or Federal laws. This permit does not exempt the Permittee from obtaining any other local, State or Federal permits or approvals.
4. The issuance of this Permit does not convey any property rights, other than the rights inherent in this permit, in either real or personal property, or any exclusive privileges nor does it authorize any injury to private

property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations including zoning ordinances.

5. The provisions of this Permit are severable. If any provision of this Permit shall be held invalid for any reason, the remaining provisions shall remain in full force and effect. If the application of any provision of this Permit to any circumstance is held invalid, its application to other circumstances shall not be affected.

F. Revocation

1. This permit may be subject to revocation if any condition of the permit is not being met. The Permittee will be notified in writing prior to any proposed revocation action and such action will be subject to all applicable hearing procedures established under UAC R315-12 and the *Utah Administrative Procedures Act*.
2. Revocation of this permit does not revoke the financial assurance established for closure and post-closure care of the facility, nor remove any responsibility for completion of closure and post-closure care for the facility required in UAC R315-302-3.

G. Attachment Incorporation

Attachments incorporated by reference are enforceable conditions of this permit, as are documents incorporated by reference into the attachments. Language in this permit supercedes any conflicting language in the attachments or documents incorporated into the attachments.

II. DESIGN AND CONSTRUCTION

A. Design and Construction

1. Prior to Construction. The Permittee shall submit construction design drawings and a Construction Quality Control and Construction Quality Assurance (CQC/CQA) Plan to the Executive Secretary for approval prior to each landfill unit or cell, liner, run-on and runoff diversion system, waste treatment facility, or final cover construction event. Buildings do not require approval. The Permittee shall construct the landfill units or cells, cell liners, run-on and run-off diversion systems, waste treatment facilities, and the final cover in accordance with the design drawings and CQC/CQA Plans submitted and approved by the Executive Secretary.

2. Subsequent to Construction. The Permittee shall notify the Executive Secretary upon completion of construction of any landfill unit or cell, liner, run-on or run-off diversion system, waste treatment facility, or final cover. Landfill units or cells may not be used for treatment or disposal of waste until all CQC/CQA documents and construction related documents including as-built drawings are approved by the Executive Secretary. The Permittee shall submit as-built drawings for each construction event that are signed and sealed by an engineer registered in the State of Utah.
3. Partial Final Cover. The Permittee shall notify the Executive Secretary of any proposed incremental closure or placement of any part of the final cover. Construction of any portion of the final cover shall be considered as a separate construction event and shall be approved separately from any other construction or expansion of the landfill. Design approval must be received from the Executive Secretary prior to construction and must be accompanied by a CQC/CQA Plan, for each construction season where incremental closure is performed.
4. All engineering drawings submitted to the Executive Secretary must be stamped and approved by a professional engineer with a current registration in Utah.

B. Run-On Control

Drainage channels and diversions shall be constructed as specified in the permit application and maintained at all times to effectively prevent runoff from the surrounding area from entering the landfill.

C. Quality Assurance Construction Plan

1. A quality assurance plan for construction of the liner system, leachate collection system, and final landfill cover shall be submitted by the Permittee along with all necessary documentation to the Executive Secretary. Executive Secretary approval must be received prior to construction of any part of the liner system or final cover at the landfill.
2. A qualified independent third party shall perform the quality assurance function of the approved construction quality control/quality assurance (QC/QA) plan. The results must be submitted as part of the as-built drawings to the Executive Secretary.

### III. LANDFILL OPERATION

A. Operations Plan

The Operations Plan included in the permit application and the solid waste permit issued by the Executive Secretary shall be kept on-site at the landfill. The landfill shall be operated in accordance with the operations plan as included in the permit application. If necessary, the facility owner may modify the Operations Plan, provided that the modification meets all of the requirements of UAC R315-301 through 320 and is as protective of human health and the environment as that approved in the permit application. Any modification to the Operations Plan shall be approved by the Executive Secretary and noted in the operating record.

B. Security

The Permittee shall operate the Landfill so that unauthorized entry to the facility is prevented. All facility gates and other access routes shall be locked during the time the landfill is not open. At least two persons, employed by Promontory Landfill, LLC, shall be at the landfill during all hours that the landfill is open. Fencing and any other access controls as shown or described in the permit application shall be constructed to prevent access of persons or livestock by other routes.

C. Training

The Permittee shall provide training for on-site personnel in landfill operation, including waste load inspection, hazardous waste identification, and personal safety and protection.

D. Burning of Waste

Intentional burning of solid waste is prohibited and is a violation of UAC R315-303-4(2)(b).

E. Daily Cover

The solid waste received at the landfill shall be completely covered at the end of each working day with a minimum of six inches of earthen material. Any alternative daily cover must be approved by the Executive Secretary prior to its use.

F. Ground Water Monitoring

The Permittee shall monitor the ground water underlying the landfill in accordance with the Ground Water Monitoring Plan and the Ground Water Monitoring Quality Assurance/Quality Control Plan contained in the permit

application. If necessary, the facility owner may modify the Ground Water Monitoring Plan and the Ground Water Monitoring Quality Assurance/Quality Control Plan, provided that the modification meets all of the requirements of UAC R315-301 through 320 and is as protective of human health and the environment as that approved in the permit application. Any modification to the Ground Water Monitoring Plan and the Ground Water Monitoring Quality Assurance/Quality Control Plan must be approved by the Executive Secretary and shall be noted in the operating record.

G. Gas Monitoring

The Permittee shall monitor explosive gases at the landfill in accordance with the Gas Monitoring Plan contained in the permit application and shall otherwise meet the requirements of UAC R315-303-3(5). If necessary, the facility owner may modify the Gas Monitoring Plan, provided that the modification meets all of the requirements of UAC R315-301 through 320 and is as protective of human health and the environment as that approved in the permit renewal application. Any modification to the Gas Monitoring Plan must be approved by the Executive Secretary and shall be noted in the operating record.

If the concentrations of explosive gases at any of the facility structures, at the property boundary or beyond, ever exceed the standards set in UAC R315-303-2(2)(a), the Permittee shall immediately take all necessary steps to ensure protection of human health and notify the Executive Secretary. Within seven days of detection, place in the operating record the explosive gas levels detected and a description of the immediate steps taken to protect human health. Implementation of a remediation plan shall meet the requirements as stated in UAC R315-303-3(5)(b) and shall be submitted to and receive approval from the Executive Secretary prior to implementation.

H. Waste Inspections

The Permittee shall visually inspect incoming waste loads to verify that no wastes other than those allowed by this permit are disposed in the landfill. A complete waste inspection shall be conducted at a minimum frequency of 1 % of incoming loads from a transfer station that has no approved load inspection program, but no less than one complete inspection per day. Loads received from a transfer station that follows an inspection program approved by the Executive Secretary do not need to be inspected.

Loads to be inspected shall be chosen on a random basis. The operating record must contain documentation that each load is received under a contract approved by the Executive Secretary.



All containers capable of holding more than five gallons of liquid will be inspected to determine if the waste is acceptable for disposal.

All loads that the operator suspects may contain a waste not allowed for disposal at the landfill will be inspected.

Complete random inspections shall be conducted as follows:

1. The operator shall conduct the random waste inspection at the working face or an area designated by the operator.
2. The load to be inspected will be chosen on a random basis;
3. Loads subjected to complete inspection shall be unloaded at the designated area;
4. Loads shall be spread by equipment or by hand tools;
5. A visual inspection of the waste shall be conducted by personnel trained in hazardous waste recognition and recognition of other unacceptable waste; and
6. The inspection shall be recorded on the waste inspection form found in Appendix O of the permit application. The form shall be placed in the operating record at the end of the operating day.

I. Disposal of Liquids

Disposal of containers of liquids larger than household size (five gallons), noncontainerized material containing free liquids, sludge containing free liquids, or any waste containing free liquids in containers larger than five gallons is prohibited.

J. Disposal of Special Wastes

Animal carcasses may be disposed at the bottom of the landfill working face and must be covered with other solid waste or earth by the end of the operating day they are received or they may be disposed in a special trench or pit prepared for the acceptance of dead animals. If a special trench is used, animals placed in the trench shall be covered with six inches of earth by the end of each operating day.

Asbestos waste shall be handled and disposed in accordance with UAC-315-315-2.

If loads of incinerator ash are accepted for disposal it shall be transported in such a manner to prevent leakage or the release of fugitive dust. The ash shall be completely covered with a minimum of six inches of material, or use other methods or material, if necessary, to control fugitive dust. Ash may be used for daily cover when its use does not create human health and environmental hazard.

K. Self Inspections

The Permittee shall inspect the facility to prevent malfunctions and deterioration, operator errors, and discharges that may cause or lead to the release of wastes or contaminated materials to the environment or create a threat to human health. These general inspections shall be completed no less than quarterly and shall cover the following areas: Waste placement, compaction, and cover; unit liner; leachate collection system; fences and access controls; roads; run-on/run-off controls; ground water monitoring wells; final and intermediate cover; litter controls; and records. A record of the inspections shall be placed in the daily operating record on the day of the inspection. Areas needing correction, as noted on the inspection report, shall be corrected. The corrective actions shall be documented in the daily operating record.

L. Recordkeeping

The Permittee shall maintain and keep on file at the landfill site, a daily operating record and other general records of landfill operation as required by UAC R315-302-2(3).

1. The daily operating record shall include the following items:
  - a. The number of loads of waste and the weights or estimates of weights or volume of waste received each day of operation and recorded at the end of each operating day;
  - b. Major deviations from the approved plan of operation recorded at the end of the operating day the deviation occurred;
  - c. Results of other monitoring required by this permit recorded in the operating record on the day of the event or the day the information is received;
  - d. Records of all inspections conducted by the Permittee, results of the inspections, and corrective actions taken shall be recorded in the record on the day of the event;

2. The general record of landfill operations shall include the following items:
  - a. A copy of the permit including the permit application;
  - b. Results of inspections conducted by representatives of the Utah Solid and Hazardous Waste Control Board and/or representatives of the Bear River Health Department, when forwarded to the Permittee;
  - c. Closure and Post-closure care plans;
  - d. Records of employee training;
  - e. Results of groundwater monitoring; and
  - f. Results of landfill gas monitoring.

M. Reporting

The Permittee shall prepare and submit, to the Executive Secretary, an Annual Report as required in UAC R315-302-2(4). The Annual Report shall include: the period covered by the report, the annual quantity of waste received, an annual update of the financial assurance mechanism, a re-application for approval of the financial assurance mechanism, any leachate analysis results, all ground water monitoring results, the statistical analysis of ground water monitoring results, the results of gas monitoring, the quantity of leachate pumped, and all training programs completed.

N. Roads

All access roads, within the landfill boundary, used for transporting waste to the landfill for disposal shall be improved and maintained as necessary to assure safe and reliable all-weather access to the disposal area.

O. Litter Control

The Permittee shall control wind blown litter at the landfill in accordance with the Fugitive Waste Plan contained in Appendix L of the permit application and otherwise prevent litter from escaping the landfill boundary.

P. Dust Control

The Permittee shall control dust generated from landfill operation as necessary.

#### IV. CLOSURE REQUIREMENTS

##### A. Closure

Final cover of the landfill shall be as shown in the permit application. The final cover shall meet at a minimum the standard design for closure as specified in the UAC (R315-303-3(4)) plus sufficient cover soil or equivalent material to protect the low permeability layer from the effects of frost, desiccation, and root penetration. A quality assurance plan for construction of the final landfill cover shall be submitted to, and approval of the plan must be received from the Executive Secretary prior to construction of any part of the final cover at the landfill. A qualified third party shall perform permeability testing on the recompacted clay placed as part of the final cover.

##### B. Title Recording

The Permittee shall also meet the requirements of UAC R315-302-2(6) by recording with the Box Elder County Recorder as part of the record of title that the property has been used as a landfill.

##### C. Post-Closure Care

Post-closure care at the closed landfill shall be done in accordance with the Post-Closure Care Plan contained in the permit application. Post-closure care shall continue until all waste disposal sites at the landfill have stabilized and the finding of UAC R315-302-3(7)(c) is made.

##### D. Financial Assurance

1. A financial assurance mechanism covering closure and post-closure care costs that meets the requirements of UAC R315-309 shall be proposed by the Permittee and approved by the Executive Secretary. The approved mechanism shall be established by the Permittee prior to receipt of waste. The financial assurance mechanism shall provide for the cost of closure at any stage or phase or anytime during the life of the landfill and for the subsequent post-closure care costs.
2. The Permittee shall notify the Executive Secretary of the establishment of the approved financial assurance mechanism and must receive acknowledgment from the Executive Secretary that the established mechanism complies with the requirements of UAC R315-309 prior to the acceptance of waste.

E. Financial Assurance Annual Update

An annual revision of closure and post-closure care cost estimates and the financial assurance mechanism shall be submitted to the Executive Secretary as part of the annual report required by Section III-M of this permit.

V. ADMINISTRATIVE REQUIREMENTS

A. Permit Modification

Modifications to this permit may be made upon application by the Permittee or by the Executive Secretary. The Permittee will be given written notice of any permit modification initiated by the Executive Secretary.

B. Permit Transfer

This permit may be transferred to a new Permittee by meeting the requirements of the permit transfer provisions of UAC R315-310-10.

C. Expansion

1. This permit is for the operation of a Class I Landfill according to the design and Operation Plan described and explained in the permit application. Any expansion of the current footprint designated in the description contained in the permit application, but within the property boundaries designated in the permit application, will require submittal of plans and specifications to the Executive Secretary. The plans and specifications must be approved by the Executive Secretary prior to construction.
2. Any expansion of the landfill facility beyond the property boundaries designated in the description contained in the permit application will require submittal of a new permit application in accordance with the requirements of UAC R315-310.
3. Any expansion of the waste accepted at the landfill facility will require submittal of all necessary information to the Executive Secretary and the approval of the Executive Secretary.

D. Expiration

This permit shall expire five years from the effective date which is the date shown on the signature (first) page of this permit. Application for permit renewal shall be made at least 180 days prior to the expiration of this permit. If a timely renewal application is made and the permit renewal is not complete by the expiration date, this permit will continue in force until renewal is completed or denied.

E. Status Notification

Eighteen months from the date of this permit the Executive Secretary shall be notified in writing of the status of the construction of this facility unless construction is complete and operation has commenced. If construction has not begun within 18 months the Permittee will submit adequate justification to the Executive Secretary as to the reasons that construction has not commenced. If no submission is made or the submission is judged inadequate by the Executive Secretary, this permit may be revoked.

F. Construction Approval and Request to Operate

The Permittee shall notify the Executive Secretary, prior to acceptance of waste, that all the requirements of this permit have been met and all required facilities, structures and accounts are in place as required. The facility may not accept waste until approval of the Executive Secretary is received.

G. Contract Approval

The Permittee must receive waste only from governmental entities that have contracts with the facility owner. All new contracts and changes in existing contracts must be reviewed and receive approval from the Executive Secretary prior to receipt of waste.